

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 053462

11

ORIGIN EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-09 NSAE-00 RSC-01 FAA-00 L-03 DOTE-00 SS-14 NSC-10

/083 R

DRAFTED BY EB/ AN: MHSTYLES: SLM

3/22/73: EXT 21232

APPROVED BY EB/ A : MHSTYLES

CAB - M CHESEN

----- 129079

R 230026 Z MAR 73

FM SECSTATE WASHDC

TO AMEMBASSY BONN

LIMITED OFFICIAL USE STATE 053462

E. O. 11652: N/ A

TAGS: ETRN, GW

SUBJ: CIVAIR-- CHARTER UNDERSTANDING

REF: BONN 4156

1. GUIDANCE RE QUESTIONS POSED PARA 6 REFTEL IS AS FOLLOWS:

A. PHRASE IN ROMAN I SUBPARA A(B) RE TRAFFIC ORIGINATING OUTSIDE TERRITORY EITHER PARTY IS INTENDED COVER SITUATION WHERE, FOR EXAMPLE, A CARRIER PROPOSES TO OPERATE A CIRCLE TOUR CHARTER TORONTO- FRANKFURT- NYC- TORONTO. IF US HAS ACCEPTED CANADIAN ABC RULE, US WOULD ACCEPT THIS FLIGHT AS CHARTERWORTHY UNDER CANADA'S ABC RULE (AND PRESUMABLY SO WOULD FRG). ALTHOUGH IT NOT LIKELY THERE WILL BE MANY FLIGHTS OF SUCH TYPES, WE BELIEVE PROVISION IS APPROPRIATE IN TERMS CLARIFYING SITUATION IN THESE CASES.

B. RE COMMINGLING QUESTION, IT SHOULD BE UNDERSTANDING THAT WORDING IN QUESTION DOES NOT IN ITSELF AUTHORIZE COMMINGLING WITH OTHER CHARTER TYPES, THIS BEING DETERMINED BY TGC OR ABC RULE, WHICHEVER APPLICABLE. UNDER TGC RULE,

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 053462

COMMINGLING IS PERMITTED FOR ANY OTHER TYPE OF CHARTER TYPE ORGANIZED IN ACCORDANCE OTHER CAB REGULATIONS, AND MINIMUM GROUP IS 40. GERMAN ABC RULE DOES NOT PERMIT COMMINGLING (EXCEPT AMONG TWO OR MORE ABC GROUPS). IT IS INTENT OF UNDERSTANDING, HOWEVER (SEE FOOTNOTE 3) THAT BOTH SIDES WOULD ALLOW COMMINGLING OF ABC AND TGC GROUP ON SAME AIRCRAFT.

C. RE MINIMUM PRICE QUESTION, THE PROPOSED UNDERSTANDING DOES NOT ADDRESS THE QUESTION OF WHAT THE APPROPRIATE PRICES SHOULD BE, BUT ONLY SPECIFIES THE REQUIREMENT FOR FILING AND ENFORCEMENT OF TARIFFS ETC. AGAIN, WE SHOULD STRESS THAT PURPOSE OF UNDERSTANDING IS NOT TO SETTLE ECONOMIC ISSUES (E.G. TRAFFIC RIGHTS, PRICES, ETC.) BUT TO SETTLE WHOSE RULE DETERMINED CHARTERWORTHINESS AND TO SET DOWN APPROPRIATE PROCEDURES (E.G. RE RATES) ON RELEVANT TECHNICAL ASPECTS. RE RATE PROCEDURES, UNDER US SYSTEM, CARRIERS HAVE TO FILE WITH CAB TARIFFS SHOWING WHAT THEY CHARGE ORGANIZERS FOR CHARTER FLIGHTS WHETHER TGC, ABC, AFFINITY, ETC. THUS, MINIMUM PRICE (CHARGED TO PASSENGER) REQUIRED BY FRG FOR ABC FLIGHT OUT OF GERMANY WOULD BE SUBSUMED WITHIN TOTAL PRICE CHARGED BY CARRIER TO ORGANIZER AS FILED WITH CAB. SINCE FRG SETS MINIMUM PRICE REQUIREMENT ONLY FOR ABC'S OUT OF GERMANY, IT WOULD PRESUMABLY REQUIRE ONLY FILING OF THE CHARTER PRICE FOR A TGC OUT OF US. IN BRIEF, WE DO NOT SEE THAT THESE DIFFERENT PROCEDURES SHOULD LEAD TO PROBLEM, AND WORDING IN UNDERSTANDING APPEARS SUFFICIENT.

2. RE FORM OF CONCLUDING UNDERSTANDING, IT IS ESSENTIAL THAT THE UNDERSTANDING HAVE THE FORCE OF AN INTERGOVERNMENTAL AGREEMENT. NORMALLY, THIS IS DONE BY EXCHANGE DIPLOMATIC NOTES AND DEPARTMENT MUCH PREFERENCES THIS PROCEDURE HERE. EXCHANGE OF LETTERS BETWEEN AVIATION AUTHORITIES WOULD NOT BE SUFFICIENT, SINCE CAB CANNOT ENTER INTO INTERGOVERNMENTAL COMMITMENT. A POSSIBLY ACCEPTABLE ALTERNATIVE WOULD BE EXCHANGE OF LETTERS BETWEEN AMBASSADOR AND GERMAN MINISTER OF TRANSPORT, SINCE MINISTER, AS MEMBER CABINET, WOULD COMMIT GOVERNMENT.

3. RE FMT

E E E E E E E

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 23 MAR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE053462
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: CORE6
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730338/aaaaihpz.tel
Line Count: 103
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 BONN 4156
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags: ANOMALY
Review Date: 01 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01-Aug-2001 by shawdg>; APPROVED <07-Sep-2001 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> srp 971229
Subject: CIVAIR-- CHARTER UNDERSTANDING
TAGS: ETRN, GW
To: BONN
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005